



MAYOR AND COUNCIL REGULAR MEETING NOTICE & AGENDA

The City of Tucson has a council-manager form of government. Policies are set by the Mayor and Council, who are elected by the people. Policies are carried out by the City Manager, who is appointed by the Mayor and Council. The Mayor and Council decides what is to be done; the City Manager, operating through the entire City staff, does it.

REGULAR COUNCIL MEETINGS

The Mayor and Council usually meet the first four Mondays of each month in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.

5:30 p.m. session [Order of business]

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| <ul style="list-style-type: none"> Invocation and Pledge of Allegiance Presentations Summary of Current Events Liquor license applications Consent Agenda | <ul style="list-style-type: none"> Call to the Audience. Individuals may speak up to three minutes. Call to the Audience will be limited to thirty minutes. Speakers may address any matter except items noticed as a Public Hearing. Public Hearings. Individuals may speak up to five minutes. Each public hearing is limited to one hour. Other Mayor and Council business as listed on the agenda for the meeting. |
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Copies of the agenda are available during the meeting. Additionally, the agenda, as well as reference documents, are available in the City Clerk's office prior to each meeting and on the City's web site : www.tucsonaz.gov/agdocs

Ordinances and resolutions (the laws of Tucson) are considered during regular meetings. Those adopted with the emergency clause and the affirmative vote of five members of the Council take effect immediately. Those adopted without the emergency clause take effect thirty days after passage. Unless the Mayor or a member of the Council requests that an ordinance or resolution be read in full, it is read by number and title only. Routine items are scheduled under the heading of Consent Agenda, which allows a number of actions to occur with a single motion.

To better serve everyone in the community, the Mayor and Council chambers is wheelchair accessible. An assistive listening system for the hearing impaired is in place and closed captioning is available on cable television. A request for reasonable accommodation for persons with disabilities must be made in the City Clerk's Office at least two working days prior to the meeting and can be made by calling 791-4213 or 791-2639 (TDD).

PARTICIPATION BY THE PUBLIC

As a courtesy to others, please turn off or put in vibrate mode all pagers and cell phones.

To address the Mayor and Council:

- Complete a speaker's card and deposit it in the tray on the podium. Upon being recognized, state your name and address before proceeding.
- Submit written comments to the Mayor and Council (via the City Clerk) prior to and during the meeting.
- Call the Mayor and Council Citizen Comment Line at 791-4700 or write the City's Web Site, www.tucsonaz.gov/agdocs. Your comments will be transcribed and distributed to the Mayor and Council.

Persons attending the meeting shall observe rules of propriety, decorum, and good conduct, and refrain from impertinent or slanderous remarks. Violation of this rule shall result in such persons being barred from further audience before the governing body. A copy of the complete rules and regulations may be obtained from the City Clerk.

Robert E. Walkup – Mayor
Fred Ronstadt – Vice Mayor

Council Members

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|------------------------|---------------|-------------------------|---------------|
| José J. Ibarra | Ward 1 | Shirley C. Scott | Ward 4 |
| Carol W. West | Ward 2 | Steve Leal | Ward 5 |
| Kathleen Dunbar | Ward 3 | Fred Ronstadt | Ward 6 |

Revisions to the agenda can occur up to 24 hours prior to the meeting. Contact the City Clerk at 791-4213 (TDD: 791-2639, FAX: 791-4017 or WEB SITE: www.tucsonaz.gov/agdocs, 9th floor, City Hall, 255 W. Alameda for up-to-date information Monday through Friday, 8:00 a.m. to 5:00 p.m. [holidays excepted]. Live coverage of the meeting is cablecast on Tucson 12 and on Comcast Channel 59 (Mondays only). In addition, replays of the meetings are cablecast on Tucson 12 as follows:
 Tuesdays – 9:00 p.m. Wednesdays – 9:00 a.m. Sundays – 9:00 a.m.
 VHS tapes of meetings are available at the Tucson Main Library, 101 N. Stone.



MAYOR & COUNCIL MEETING NOTICE & AGENDA

REGULAR MEETING

MONDAY, AUGUST 2, 2004 – 5:30 P.M.
MAYOR AND COUNCIL CHAMBERS
(CITY HALL, 255 WEST ALAMEDA, TUCSON, ARIZONA)

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Ichibei Honda, Japanese Christian Community of Tucson

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS

- (a) Presentation of awards from the Arizona Department of Commerce to local businesses for job training programs
- (b) Proclamation – Proclaiming August 20, 2004 as the 229th Anniversary of the founding of the City of Tucson.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- (a) Report from City Manager AUG2-04-392 CITY-WIDE

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

- (a) Report from City Manager AUG2-04-393 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- (a) Report from City Manager AUG2-04-391 CITY-WIDE
- (b) LIQUOR LICENSE APPLICATION(S)

New License(s)

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| (1) R & D UNION, INC. 4701 E. 29 th Street Applicant: Raj Agarwal City #033-04, Ward 5 Series #10 Action must be taken by: 8/6/04 | <u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance Revenue: In Compliance |
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PUBLIC OPINION: PROTESTS FILED

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| (2) COLORS FOOD & SPIRITS 5305 E. Speedway Blvd. Applicant: Ricardo Lujan City #036-04, Ward 6 Series #12 Action must be taken by: 8/19/04 | <u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance Revenue: In Compliance |
| (3) TERRAZAS RESTAURANT 2030 E. Broadway Blvd. Applicant: Yolanda De Terrazas City #037-04, Ward 5 Series #12 Action must be taken by: 8/27/04 | <u>Staff Recommendation</u> Police: In Compliance DSD: DENIED Revenue: In Compliance |
| (4) THE WING FACTORY 6330 E. Golf Links Rd., Ste 12 Applicant: Steven M. Van Voorhis City #039-04, Ward 4 Series #12 Action must be taken by: 9/3/04 | <u>Staff Recommendation</u> Police: In Compliance DSD: DENIED Revenue: In Compliance |
| (5) SMOKIN' A BARBEQUE PLACE 4699 E. Speedway Blvd. Applicant: Robert B. McMahon City #041-04, Ward 6 Series #12 Action must be taken by: 9/6/04 | <u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance Revenue: In Compliance |

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

Person Transfer(s)

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| (6) PARK AVE BAR & GRILL 4525 S. Park Avenue Applicant: Thomas Guadagno City #038-04, Ward 5 Series #6 Action must be taken by: 8/28/04 | <u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance Revenue: In Compliance |
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NOTE: For a person to person transfer, Mayor and Council may consider the applicant's capability, qualifications and reliability.

Person/Location Transfer(s)

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| (7) SUNFLOWER MARKET 4645 E. Speedway Blvd. Applicant: Robert E. Millsap City #034-04, Ward 6 Series #9 Action must be taken by: 8/6/04 | <u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance Revenue: In Compliance |
| (8) 58 DEGREES & HOLDING COMPANY 5460 E. Broadway Blvd., #300 Applicant: Ryan M. Schoff City #035-04, Ward 6 Series #7 Action must be taken by: 8/14/04 | <u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance Revenue: In Compliance |
| (9) MCMAHONS STEAKHOUSE 2959 N. Swan Road Applicant: Robert B. McMahon City #040-04, Ward 2 Series #7 Action must be taken by: 9/4/04 | <u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance Revenue: In Compliance |

NOTE: For a person and location transfer, Mayor and Council may consider the applicant's capability, qualifications, reliability and location issues.

(c) Special Event(s)

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| (1) ARIZONA QUARTER RACING ASSOC. 4502 N. 1 st Avenue Applicant: Quinton J. Reeves City #T057-04, Ward 3 Date of Event: 9/11/04 (Horse Auction for AQRA) | <u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance |
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| (2) TUCSON BREAKFAST LIONS CLUB 4823 S. 6 th Avenue Applicant: Wayne F. Locke City #T058-04, Ward 5 Date of Event: 9/4/04 9/5/04 (Fundraiser) | <u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance Parks: In Compliance |
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6. CONSENT AGENDA ITEMS A THROUGH NN

FOR COMPLETE DESCRIPTION OF ITEMS
SEE ATTACHED CONSENT AGENDA

Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired by members of the governing body, that item will be removed from the Consent agenda and will be considered separately.

7. CALL TO THE AUDIENCE

At this time, any member of the public is allowed to address the Mayor and City Council on any issue except for items scheduled for a public hearing at the meeting. Speakers are limited to three minute presentations. Speakers must state their name, address, whether they reside in the City of Tucson, whom they represent, and the subject matter. Any person who is representing a person other than themselves and is receiving compensation to influence an action by the Mayor and Council, shall, before speaking, identify themselves as a "retained speaker". Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience".

8. PUBLIC HEARING: TUCSON CODE – AMENDING (CHAPTER 23), THE LAND USE CODE (LUC); REGARDING LANDSCAPING PROVISIONS

- (a) Report from City Manager AUG2-04-436 CITY-WIDE
- (b) Hearing on amendments to the Tucson Code, Chapter 23, the *Land Use Code (LUC)*. Proposed changes are to the landscaping provisions to deal with canopy trees within parking lots and street landscape borders along the exterior boundaries of subdivisions.

- (c) Ordinance No. 10016 relating to planning and zoning; amending the Tucson Code, Chapter 23, Land Use Code, Article III, Development Regulations, Division 7, Landscaping and Screening Regulations, Sections 3.7.2.3 and 3.7.2.4; Article VI, Definitions, Division 2, Listing of Words and Terms, Section 6.2.22; and declaring an emergency.

The City Manager recommends that the attached ordinance, which reflects the Planning Commission's recommendations, be adopted.

9. ZONING: (C9-02-12) OCHOA – ST. MARY’S ROAD, R-2 TO O-2, REACTIVATION AND TIME EXTENSION (CONTINUED FROM MEETING OF JUNE 14, 2004)

- (a) Report from City Manager AUG2-04-389 W1
- (b) Request for a time extension for completion of rezoning conditions for property located at the northeast corner of St. Mary’s Road and Westmoreland Avenue. Applicant: Marc Ochoa, the property owner. The preliminary development plan is for the conversion of an existing 1,200 square foot, single-story, multi-family residential structure on 0.17 acres into an office use. Because the rezoning case has expired it must be reactivated prior to any action. The City Manager recommends the Mayor and Council reactivate the case and approve a time extension from September 16, 2003 to January 26, 2005, subject to compliance with the following conditions:
 - 1. A development plan in substantial compliance with the preliminary development plan dated June 7, 2002, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
 - 2. Renovations and/or repairs to the existing structure shall be limited to one-story and designed to be compatible with the existing residential character of the neighborhood. Elevations indicating colors of all existing and proposed structures shall be submitted at the time of development plan review.
 - 3. Outdoor lighting shall be full cutoff. All outdoor lighting in the parking lot area shall be located below the height of the screen walls.
 - 4. If a commercial dumpster is used, it shall be located a minimum of fifty (50) feet away from residentially zoned or developed property and screened from view from adjacent residential development and public rights-of-way. If residential dumpsters are used, a screened storage area shall be identified on the development plan.

5. A six foot high masonry wall shall be located on the north property boundary with twenty-four (24) inch box canopy trees planted south of the wall a maximum of twenty-five (25) feet apart.
6. A thirty (30) inch high masonry wall shall be installed on the west side of the site along the entire length of the Westmoreland Avenue street frontage, except at vehicular or pedestrian entrances.
7. Vertical curbing shall be installed the length of the property along Westmoreland Avenue to replace the existing wedge curb.
8. Vehicles shall not park in the right-of-way area between the curb and the property line along Westmoreland Avenue.
9. A traffic directional sign shall be installed and maintained at the exit point onto Westmoreland Avenue, directing traffic to proceed south to St. Mary's Road.
10. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. These screen walls shall incorporate one of the following decorative materials: (a) tile, (b) stone, (c) brick, (d) textured brick/block, (e) a coarse-textured material such as stucco or plaster, or (f) a combination of the above materials.
11. Any continuous wall greater than 75 feet in length and 3 feet in height visible from the public right-of-way shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.
12. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
13. "Safe by Design" concepts shall be incorporated in the development plan for review by the Tucson Police Department.
14. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.

15. Dedication or verification of the existence of right-of-way as provided on the *Major Streets and Routes Plan* map, along St. Mary's Road frontage of the site and dedication of a twenty-five (25) foot radius spandrel at the southwest corner of the site.
16. Any unused curb cuts shall be closed.
17. Any existing damaged sidewalk shall be removed and replaced.
18. A drainage report shall be prepared and approved, including detention analysis.
19. Water harvesting techniques will be employed to the maximum extent reasonably possible.
20. Barrier-free access routes shall be designed so that they are free of flooding during the ten-year frequency flood event.
21. The drainage report shall address conformance with FEMA requirements for finished floor elevation and utility installations.
22. ~~One year is allowed from the date of initial authorization to comply~~ Compliance with all Code requirements and conditions of rezoning by January 26, 2005. Further time extensions beyond January 26, 2005, shall require a public hearing before the Mayor and Council.

Deleted text is ~~striketrough~~ and new text is underlined.

One (1) written approval and one (1) written protest have been received for this case. None of the protests lie within the 150 foot protest area resulting in zero percent protest by area in all directions.

A simple majority vote will be necessary to reactivate the case and approve a time extension.

10. ZONING: (C9-03-24) ABRAMS/ACEDO – FOURTH STREET, R-1/R-2 TO R-2, CITY MANAGER'S REPORT (CONTINUED FROM MEETING OF JUNE 7, 2004)

- (a) Report from City Manager AUG2-04-390 W6
- (b) Report from Zoning Examiner dated May 7, 2004

- (c) Request to rezone approximately 1.45 acres from R-1/R-2 (Low Density Residential/Medium Density Residential) to R-2 (Medium Density Residential) zoning. Applicant: Eric Abrams of The Stanley Group on behalf of the property owners, Stanley Abrams and Richard Acedo of Fourth Street Guys, LLC.

The rezoning site is located on the south side of Fourth Street between Richey Boulevard and Dodge Boulevard. The preliminary development plan proposes 11 one and two-story single-family detached residences for a density of approximately 7.6 residences per acre using the Residential Cluster Project development option.

Planning Considerations: The main part of the rezoning site is a 427 foot by 132 foot rectangle running north-south on the south side of Fourth Street between Dodge Boulevard and Richey Boulevard. A 30 foot wide by 161 foot long strip of land provides access to Fifth Street. The site was previously developed with a single-family residence that has been removed. The rezoning site has split zoning with R-2 on the north approximately 300 feet of the site and R-1 zoning on the balance. If developed under the existing zoning, the rezoning site could be approved for nine or possibly ten residences, depending on the design of the project. Therefore, this rezoning is requested in order to build one or two more units than currently allowed.

The Zoning Examiner recommends approval of the R-2 zoning. The City Manager recommends approval of R-2 zoning subject to the following conditions:

1. A subdivision plat in substantial compliance with the preliminary development plan dated March 25, 2004, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 4.1.1 of the *Land Use Code*.
2. The owner/developer shall submit the proposed tentative plat and the development plan to the Miramonte Neighborhood Association no less than ten (10) days prior to the CDRC submittal. The applicant shall submit documentation confirming the neighborhood association submittal with the CDRC submittal.
3. The R-1/R-2 zoning line shall be shown on the tentative plat. Lots within existing R-1 zoning shall not exceed one story in height, not to exceed eighteen (18) feet.
4. The retention/detention area is to be designed as usable passive and/or active open space, to include at a minimum two (2) park benches. The sitting area must also be made handicapped accessible utilizing a minimum five (5) foot wide, all-weather path constructed of either asphalt or concrete, connecting to the internal pedestrian path/sidewalk of the subdivision.

5. Buildings and landscaping to be designed to be architecturally consistent with the surrounding area. Dimensioned elevation drawings with proposed colors and materials (consistent with those submitted as a part of the rezoning application) are to be submitted as a part of the development plan. Color photographs of surrounding properties are to accompany the tentative plat.
6. Free standing signs to be integrated into the overall landscape plan. Details of signs are to be submitted as a part of the development plan.
7. A six (6) foot tall wall shall be provided on the west property line.
8. All one story buildings shall be setback a minimum of 14 feet from the west property line. All two-story buildings shall be setback a minimum of 18 feet from the west property line.
9. All walls visible from streets and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
10. Dedication, or verification of existence of right-of-way per the *Major Streets and Routes Plan* along the site frontage on 5th Street to a line 45 feet north of and parallel with the centerline of 5th Street.
11. Vehicular access to 5th Street shall be designed for one-way traffic southbound and include a diverter at the south end to only allow right turns onto 5th Street. The developer shall be responsible to provide the appropriate signage, including signage to limit access to 5th Street to emergency and service vehicles only.
12. Sidewalks, curb returns and curb access ramps shall be constructed as needed along 4th Street.
13. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.

14. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
15. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
16. Five years are allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.

Two (2) written approvals and six (6) written protests have been received. Six of the protests are within the 150 foot protest area, representing a 37.8 percent protest by area to the east, a 37.2 percent protest by area to the south, a 12.2 percent protest by area to the west, and zero percent protest by area to the north. The protests generally allude to increased vehicular activity adjacent to existing residences, traffic safety, building heights, and views.

A simple majority vote is required to authorize this rezoning request. Because the protest level exceeds 20 percent to the east, and south, a three-fourths majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

11. ZONING: (C9-03-23) LOWE’S – KOLB ROAD, C-1 TO C-2, ORDINANCE ADOPTION

- (a) Report from City Manager AUG2-04-435 W2
- (b) Ordinance No. 10017 relating to zoning: amending the zoning district boundaries in the area located at the northeast corner of Speedway Boulevard and Kolb Road in Case C9-03-23, Lowe’s – Kolb Road, C-1 to C-2; and setting an effective date.

12. ZONING: (C9-03-04) CUMMINGS – MARTIN AVENUE, R-2 TO P, ORDINANCE ADOPTION

- (a) Report from City Manager AUG2-04-437 W6

Material for this item will be available on the City website and in the City Clerk's office as soon as it becomes available.

13A. CITY EMPLOYEES: APPROVING A LABOR AGREEMENT WITH THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES COUNCIL 97, AFL/CIO (AFSCME); AND AMENDING CHAPTER 22 OF THE TUCSON CODE RELATING TO EMPLOYEE BENEFITS

- (a) Report from City Manager AUG2-04-440 CITY-WIDE
- (b) Resolution No. 19915 relating to employee relations; authorizing the City Manager to execute an agreement between the City of Tucson and the American Federation of State, County and Municipal Employees and declaring an emergency.
- (c) Ordinance No. 10019 relating to leave benefit plan; amending the Tucson Code Chapter 22, Article V. Leave Benefits Plan, amending Section 22-95, by adding Subsection (b) Sick Leave Incentive Program and alphabetizing subsections; and declaring an emergency.
- (d) Ordinance No. 10020 relating to insurance benefits; Tucson Code Chapter 22, Article VI, Other Insurance Benefits, adding Section 22-103, providing for a death benefit payment to the employee group eligible for representation by the American Federation of State County and Municipal Employees (AFSCME), and declaring an emergency.

13B. TUCSON CODE: (CHAPTER 10) AMENDING THE SPECIAL RATE SCHEDULE OF THE COMPENSATION PLAN FOR THE CITY EMPLOYEE GROUP ELIGIBLE FOR REPRESENTATION BY AFSCME

- (a) Report from City Manager AUG2-04-439 CITY-WIDE
- (b) Ordinance No. 10021 relating to compensation plan; Tucson Code Chapter 10 Article II, Section 10-31(6), amending Section 10-31(6) providing new rates to special rate schedule for weekend premium pay and shift differential pay; and declaring an emergency.

14. FINANCE: FIXING AND LEVYING THE 2005 PRIMARY AND SECONDARY PROPERTY TAXES

- (a) Report from City Manager AUG2-04-423 CITY-WIDE
- (b) Ordinance No. 10015 relating to taxation; fixing, levying, and assessing Primary and Secondary Property Taxes for the City of Tucson upon the assessed valuation of the property within the City of Tucson subject to taxation, each in a certain sum upon each one hundred dollars of valuation, sufficient to raise the amount estimated to be required in the annual budget, less the amounts estimated to be received from other sources of revenue and unencumbered balances from the previous fiscal year; providing funds for various purposes, all for the fiscal year ending June 30, 2005; and declaring an emergency.

15. RIO NUEVO: INTERGOVERNMENTAL AGREEMENT WITH THE RIO NUEVO MULTIPURPOSE FACILITIES DISTRICT AND THE UNIVERSITY OF ARIZONA FOR FUNDING AND DEVELOPMENT OF THE UNIVERSITY OF ARIZONA SCIENCE CENTER

- (a) Report from City Manager AUG2-04-438 W1
- (b) Resolution No. 19914 relating to Intergovernmental Agreements; approving and authorizing an intergovernmental agreement between the City of Tucson, Rio Nuevo Multipurpose Facilities District and the University of Arizona for funding and development of the University of Arizona Science Center; and declaring an emergency.

The City Manager recommends that Mayor and Council adopt the proposed resolution authorizing the intergovernmental agreement for funding and development of the Science Center.

16. WATER: NOTICE OF INTENTION TO ESTABLISH THE DIAMOND BELL ISOLATED WATER SYSTEM FEE, AND SCHEDULING A PUBLIC HEARING FOR OCTOBER 4, 2004

- (a) Report from City Manager AUG2-04-431 OUTSIDE THE CITY
- (b) Resolution No. 19907 relating to water; authorizing the adoption of a notice of intention to establish the Diamond Bell Isolated Water System Fee; and declaring an emergency.

The City Manager recommends that the Mayor and Council:

- Adopt the Notice of Intention to establish fees;
- File the *Diamond Bell Isolated Water System Fee Study*, which includes the proposed fees schedule, with the City Clerk; and
- Establish October 4, 2004, as the date for a public hearing on the proposed fee.

17. URBAN PLANNING AND DESIGN: CIENEGA ROAD UPDATE AND PROPOSED COST SHARING ARRANGEMENT

- (a) Report from City Manager AUG2-04-387 W4 & OUTSIDE THE CITY

The City Manager recommends that the Mayor and Council direct staff to develop an intergovernmental agreement with the Vail School District Governing Board for the purchase of the right of way for Cienega Road and return to Mayor and Council on or before January 15, 2005.

18. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- (a) Report from City Manager AUG2-04-388 CITY-WIDE

19. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, September 7, 2004, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.